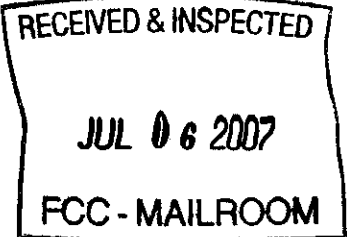


**DOCKET FILE COPY ORIGINAL**  
**Before the**  
**Federal Communications Commission**  
**Washington, D.C. 20554**



In the Matter of	)	
	)	FCC 07-87
MARITEL, INC.	)	
and	)	WT Docket No. 04-257
MOBEX NETWORK SERVICES, LLC	)	
	)	RM-10743
Petitions for Rule Making to Amend the	)	
Commission's Rules to Provide Additional	)	
Flexibility for AMTS and VHF Public Coast	)	
Station Licensees	)	

To: the Commission

Petition for Reconsideration

The undersigned parties (the "Petitioners")<sup>1</sup> hereby submit this petition for reconsideration of the Commission's Report and Order (the "R&O")<sup>2</sup> that made certain rule changes to the Automated Maritime Telecommunications Systems (AMTS) and VHF Public Coast (VPC) radio services and maintained a Part 80 regulatory framework for both services.

1. Part 80 Base Stations for Geographic AMTS and Related

The rules, as amended by the R&O, allow land PMRS, with no maritime service on geographic AMTS licenses. If a licensee elects to offer in areas of coverage from base stations only such land PMRS, at least where there is no navigable waterways as defined in current AMTS rules, then it should be afforded by rule the opportunity to use Part 90 base station equipment. There is a wider selection of such Part 90 equipment as compared to Part 80 equipment. It takes considerable time and expense to obtain Part 80 certification of equipment

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<sup>1</sup> Each of the Petitioners has standing to file this petition for reconsideration based on its respective FCC licenses that include AMTS and/or VPC radio service licenses that are affected by the Report and Order.

<sup>2</sup> *Report and Order*, 22 FCC Rcd 8971 (Commission 2007).

already type certified on Part 90 that is not yet type certified under Part 80. There is no public benefit to requiring that. For the same reason, in the conditions noted above, there is no reason to maintain any Part 80 requirements. Petitioners thus ask for reconsideration and modification of all parts of the R&O consistent with the above—with respect to geographic AMTS licenses, but not with respect to site based AMTS licenses.

## 2. Incumbent Stations

The R&O declined Petitioners request to not afford certain rule changes to site based AMTS licenses that was being considered, and is now afforded in the R&O, for geographic licenses along with site based AMTS licenses. Petitioner ask for reconsideration for all the reasons they gave previously together with the following (combined, they present a new argument): Contrary to the R&O on this matter, the Bureau and the Commission have not treated site-based AMTS the same as geographic AMTS. Rather, site-based AMTS has been (not in accordance with law and precedent, but still effectively) afforded much greater flexibility including: removal of the coverage requirement in §80.475(a) and retroactive application of the (unlawful) removal of said rule requirement to revive licenses that had already terminated for lack of construction. In contrast, the Commission imposed a coverage and construction requirement on geographic site based licenses. The Commission cannot have it both ways: to argue in the R&O and make rules changes equally to site based and geographic licenses based on allege non-disparate treatment, but in fact to give site based licenses then noted disparate relief.

Respectfully,

**AMTS Consortium LLC**, by  
*[Filed electronically. Signature on file.]*  
Warren Havens  
President

**Telesaurus VPC LLC**, by  
*[Filed electronically. Signature on file.]*  
Warren Havens  
President

**Intelligent Transportation & Monitoring Wireless LLC**, by  
*[Filed electronically. Signature on file.]*  
Warren Havens  
President

*[Filed electronically. Signature on file.]*  
**Warren Havens**  
An Individual licensee

July 6, 2007

Address for each above entity:  
2649 Benvenue Ave., #2-3  
Berkeley, CA 94704

Declaration

I, Warren C. Havens, hereby declare, under penalty of perjury, that the foregoing Petition for Reconsideration was prepared pursuant to my direction and control and that all of the factual statements and representations contained therein are true and correct.

*[ Filed Electronically. Signature on File.]*

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Warren C. Havens

July 6, 2007

Certificate of Service

I, Warren Havens, certify that I have, on this 6<sup>th</sup> day of July 2007, caused to be served by placing into the USPS mail system with first-class postage affixed, unless otherwise noted, a copy of the foregoing Petition for Reconsideration to the following: <sup>3</sup>

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
(filed electronically via ECFS under WT Docket No. 04-257 and RM-10743)

Dennis Brown (legal counsel for MCLM and Mobex)  
8124 Cooke Court, Suite 201  
Manassas, VA 20109-7406

Audrey P. Rasmussen (counsel to Paging Systems, Inc.)  
Hall, Estill, Hardwick, Gable,  
Golden & Nelson, P.C  
1120 20<sup>th</sup> Street, N.W.  
Suite 700, North Building  
Washington, DC 20036-3406

Telesaurus affiliates  
By email

*[ Filed Electronically. Signature on File. ]*

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Warren Havens

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<sup>3</sup> The mailed copy being placed into a USPS drop-box today may not be processed by the USPS until the next business day.